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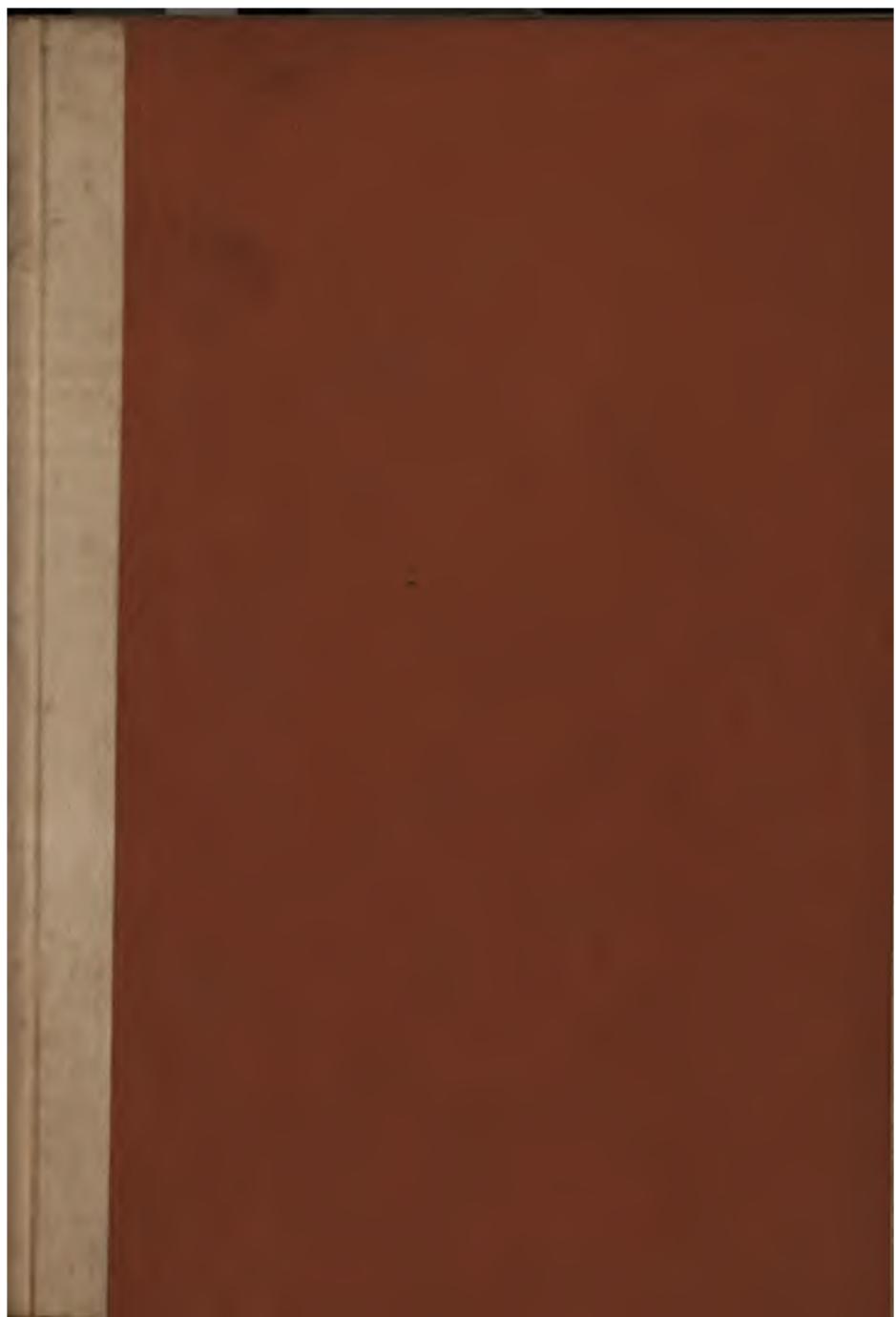
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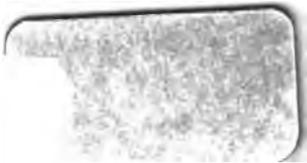
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**HOW TO FIGHT
THE
WATER
COMPANIES
WITHOUT A
SOLICITOR**

BY
L. WASHINGTON.

LONDON:
W. B. WHITTINGHAM & CO.,
31, GRACECHURCH STREET.

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HOW TO FIGHT THE WATER COMPANIES WITHOUT A SOLICITOR.

THE object of the writer is:—

- 1.—To place in the hands of the public, in a form which may be easily referred to, the recent important judgments affecting the water companies.
- 2.—To give extracts from the private Acts of each of the Metropolitan Water Companies, showing what rates they are entitled to charge, in order that every ratepayer may readily see what is his position with regard to the particular company by which he is supplied with water, without the expense of purchasing a copy of the Act, or the trouble of seeing it at the company's office.
- 3.—To point out the best mode of contesting the excessive claims of the water companies.
- 4.—To show the effect of the decisions on the Acts of the companies generally, and the possible saving by it annually of at least a quarter of a million to the metropolitan and suburban water ratepayers.
- 5.—To urge upon the public the necessity of combined action to obtain a readjustment of the principle upon which water is now paid for, by substituting *measure* for the absurd system of payment on *annual value* of property.

The principal companies which supply water to the metropolis and the suburbs are—

1. The Chelsea Waterworks, Incorporated 1723..
2. The East London Waterworks, „ 1807.
3. The Grand Junction Waterworks, „ 1810.
4. The Kent Waterworks, „ 1809.
5. The Lambeth Waterworks, „ 1785.
6. The New River Waterworks, „ 1619.
7. The Southwark & Vauxhall Water, „ 1845.
8. The West Middlesex Waterworks, „ 1806.

The powers of each company, so far as the supply of water is concerned, and their separate rates of charge, are set out in the appendix. Reference to these will show that seven out of eight of these companies are bound to base their claim for the water rate on the *annual value* of the *house supplied*.

The position of the resident owners in the Grand Junction Company's district is exceptional, as will be seen, and the remaining company, the Kent Waterworks Company, have the word "yearly" instead of "annual" value in their Act. But it is conceived that this cannot give them any advantage, because the recent decision does not affect the period of time but the meaning of *value*. "Value means net value—net value means value."

RISK OF ANSWERING CIRCULARS FROM THE COMPANIES.

Some of the companies have adopted a mode of dealing with their customers, who desire to have their rate rectified, by sending them a printed circular asking a number of questions respecting the property—viz., the price paid for it; the rent; or estimated rent, if the

owner is also occupier; amount of repairs, &c., ostensibly to show their willingness to adopt the principle of the recent decision. But woe to the unwary one who is simple enough to answer these questions, for if he should fill in an overestimate he will find the greatest difficulty in dealing with the company, who will pin him to his answers if they are against himself, but object to admit them if the replies are against the company's assessment. The best course to adopt is to decline to fill them up. What, then, should the public do to avail themselves of the recent decision of the House of Lords?

First, they should in every instance write to the company to know how the amount claimed is made up. Then, if the company is claiming more than it is entitled to, to reply *by letter* pointing out the mistake. If the company will not give way on the point, and the ratepayer is able to prove that the value is not what the company makes it, he should then write, with the amount demanded, adding, "*I pay the amount claimed under protest.*" In this way he will be saved the trouble and annoyance and waste of time consequent upon a personal visit to the company's office, and will preserve his right to sue the company for the amount alleged to be overpaid by him. The public should clearly understand that, although the companies state that attendance is given at their offices by them to hear appeals, they cannot compel personal attendance.

In cases where it is intended to bring an action to recover the amount overpaid, the ratepayer should keep copies of his letters. He should decline to pay the

collector unless in the presence of a witness who could prove the delivery of a written protest at time of payment.

The means to be taken to recover such amount would be to take out a summons in the county court of the district in which he resides, or in which the company's offices are situated, as the amount in most cases would doubtless be under £50, and in many cases but a few shillings. This could be done personally, and in a majority of instances would only cost the ratepayer a few shillings. If the case should be decided in his favour, the company would have to repay the fees paid by him and the amount allowed his witnesses, and if against him he would have to pay the company's witnesses and fees, but not the company's solicitors' costs where the amount in dispute is under £2.* Let each one be sure of his facts. The house can have only one true annual value. What this is can easily be arrived at as will be shown, and the amount payable to the company readily ascertained.

There are other alternative courses which some will perhaps prefer to adopt, such as the refusal to pay, and let the company either cut off the water under the provisions of the Waterworks Clauses Act, 1847, sec. 71 (see app.) ; or bring an action against the ratepayer to recover the amount in dispute ; or pay the amount believed to be correct, and leave the company to proceed as it pleases to recover the balance of its full claim, but it will doubtless be found that the course suggested will be the least troublesome. It is not pleasant to contemplate being without water, pending

* N.B.—Take care to pay your rate in advance (under protest) before proceeding against the Company, otherwise you will be *nonsuited in your action.*

the decision of the question, and no damages which would be awarded, if the ratepayer were successful, would compensate him for the inconvenience of having his water supply cut off. But, as already suggested in the daily press, the least troublesome course will be to form local associations for protecting the ratepayers.

In its struggle for its rights the public will find that the companies will leave no stone unturned in their endeavours to retain their illegal claims. They are very rich, they can obtain without personal cost the opinions of the cleverest lawyers of the day. What, then, should be the attitude of the public? It should combine. Each district should have its association, allied or not to the central league in course of formation by Mr. Dobbs and others, and branches of which are being formed in many districts to fight out disputed points. Test questions should be fought out. They will be found to be comparatively few, and a decision on each point would soon settle the law.

THE HOUSE OF LORDS' DECISION.

The case of Mr. Dobbs was as follows:—

He was the occupier of a house and premises, No. 34, Westbourne Park, in the parish of Paddington, which he held under a lease for a term of ninety-seven years from the 25th of March, 1852, at a ground rent of £15 per annum. Among other covenants, the lease contained the usual covenant by the lessee to repair and insure. The district in which this house is situated is supplied with water by the Grand Junction Waterworks Company. This Company, which was incorporated in the year 1810, is empowered by Act of

Parliament to supply water on the basis of charge laid down in two of their special Acts, viz., the 7 Geo. IV., c. cxl., and the 15 and 16 Vict., c. clvii. By a section of the former Act it was provided that the Company should supply water upon a scale based upon the rent of the house supplied, and by the 27th section it is enacted that the rates should be "*according to the actual amount of the rent where the same can be ascertained, and where the same cannot be ascertained according to the actual amount or annual value upon which the assessment to the poor's rate is computed, in the parish or district where the house is situated.*" By the latter Act 15 and 16 Vict., c. clvii., s. 46 (see appendix, p. 30), it is provided that *where the annual value of the dwelling-house shall not exceed £200 the charge shall be at a rate not exceeding £4 per cent. per annum on such value; and where such annual value shall exceed £200 at a rate not exceeding 3 per cent. per annum.*

Under the Valuation (Metropolis) Act Mr. Dobbs' house and premises were valued at the sum of £140, and he was assessed to the poor rate at the sum of £118, these sums being the gross and rateable values respectively. The Company claimed to be entitled to charge him upon the gross value of his premises, viz., £140, whereas he disputed their right to do so, and contended that he was only liable to pay on the *net rateable value*, £118, that being the annual value upon which the assessment to the poor's rate was computed.

The case was in the first place tried in the Marylebone Police Court, when the magistrate decided against Mr. Dobbs' construction of the Acts, but stated a special

case for the decision of the Queen's Bench Division of the High Court of Justice. This special case was heard before Justices Field and Bowen, who decided in favour of Mr. Dobbs.

The concluding portion of the judgment, which was delivered by Mr. Justice Field, and which by the decision of the House of Lords is now law, is as follows:—"For these reasons we have come to the conclusion that the magistrate's order cannot be supported, and the order we make is that the annual value of the appellant's dwelling house is to be taken at £118, the sum upon which the assessment to the poor rate is computed, and we allow the appeal with costs."* This judgment is set out at length in the Appendix.

Had the Grand Junction Company been satisfied to accept this decision it is possible that only the rate-payers of water supplied by that Company would have benefited by it. But in an evil hour for the other companies, the Grand Junction Company decided to appeal against the decision. The case was carried by it to the Court of Appeal, and was heard by Lords Coleridge, C.J., Baggallay and Lindley, L.J.J. Here the glorious uncertainty of the law was manifest, for these learned judges reversed the decision of the learned judges of the Court below and restored the magistrate's order. The undaunted Mr. Dobbs was, however, not to be beaten, and notwithstanding his second defeat appealed to the final Court, the House of Lords, to become at last victorious, and has by so doing conferred an immense benefit upon all the water ratepayers in his

* *Law Times' Reports*, 92, B.D. 151.

own district especially, and upon the ratepayers of the London and suburban districts in a very marked and scarcely less important degree.

From the concluding paragraph of Mr. Justice Field's judgment, it is clear that, so far as regards the resident owner supplied by the Grand Junction Company, the legal basis upon which the rate can be claimed is the net amount upon which the poor rate is made. Therefore, in the district supplied by that Company it would appear that every resident owner need simply refer to his poor rate demand note to see upon what amount the Company can compel him to pay the water rate. But where the value can be ascertained, the ratepayer other than a resident owner will be rated on the net annual value.

It is most important that the public should observe that this decision was a special one. There appears to be a widespread but false impression that because the Grand Junction Company are bound to adopt the net poor rate assessment as a basis for their rate of supply to resident owners, it follows that all the companies are bound by the same principle. *This is not the case.* Each company is governed by its own special Acts, and upon the interpretation of which Acts the question must in each case be decided.

What then is the advantage of the decision to the ratepayers generally? It is that by taking the question to the House of Lords a most valuable and important decision has been given by Baron Bramwell on the meaning of the words "annual value," for in his judgment he says:—*

* *Law Times' Reports* of the 5th of January, 1884.

"The question then is, what is the meaning of
" 'annual value' in sect. 46 of the 15 and 16 Vict.,
" c. clvii.? Now, without undertaking an all-sufficient
" definition, it seems to me that we may safely adopt
" that in the 6 and 7 Will. IV., c. xcvi., viz.: 'the rent
" at which they would let, free of all usual tenant's
" rates and taxes, and deducting therefrom the probable
" average annual cost of the repairs, insurance, and
" other expenses, if any, necessary to maintain them
" in a state to command such rent.' This is their
" value. If a rent exceeding this cost could not be
" got, they would be valueless. It is as impossible to
" say that the annual rent without such deduction is
" the annual value as it is to say that the daily hire
" of a horse is its daily value without deduction for
" its keep, &c. This is the value, the net, the only
" value. The Solicitor-General said that this was to
" interpolate the word 'net.' That is not so. Value
" means net value; net value means value. He did
" propose to interpolate a word, 'gross.' Now gross
" value is different from value. It is, though a con-
" venient, an inaccurate expression, like 'gross profits.'
" The difference between what a thing costs and the
" larger sum it sells for is not profit, if the buying
" and selling are attended with expense to the trader.
" Value is net value, and involves those reductions from
" rent which the appellant claims. I am confirmed in
" this by the provision in the 15 and 16 Vict., which
" makes the owner liable for the water rate of small
" tenements. What is the value of them to him?
" What he gets minus what it costs him to get it."

Although this construction was approved of by

all the Law Lords who heard the case, so far as it applied to the Act under consideration, yet it was not fully endorsed by Lords Selborne and Watson, the latter of whom said: "I agree with the process of reasoning by which Lord Bramwell has shown that in his opinion the words 'annual value' occurring in the statutes which we have to construe signify annual net value, which I should take to be the primary meaning of the words. I do not understand that the judgment of this House or the opinion of my noble and learned friend goes beyond that, or decides that in every statute, no matter what is the context, these words are to be read as meaning net value."

In the face of such a decision, it is highly improbable that either of the companies would incur the expense of taking a case through the various Courts to the House of Lords to ascertain the meaning of the words "annual value" in their particular Act. In fact, several, if not all, of the companies have announced their intention of accepting the construction of the words "annual value" as "net annual value," and until a test case is submitted in respect of each company, it is presumed that Baron Bramwell's decision will be the law upon the subject.

In treating of the effect of the decision on the Acts of the companies generally, it will be necessary to consider the various classes of ratepayers; and it may be remarked at this point that the decision affects every water company throughout the country whose rates are based on the annual value of the property, unless they have in each case words repugnant to this interpreta-

tion. Ratepayers are either owners or occupiers, and will come under one of the following divisions and sub-divisions, viz. :—

OWNERS.

These are either freeholders, copyholders, or leaseholders, and may be subdivided into the following classes :—

- A. Those who occupy, and consequently pay all rates, taxes, and do repairs, and insure.
- B. Those who let, but pay the rates and taxes, and do the repairs and insure.
- C. Those who let, but do not pay rates and taxes, but repair and insure.
- D. Those who let to tenants who repair and pay all tenant's rates and taxes.

As A and B are the only classes of owners who pay the water rate, upon what amount should they pay? The net annual value, which, for example, in the case of a house let at £40 per annum under Class B, would be £26, assuming that the owner would be entitled to deduct for rates and taxes say £10, and for repairs and insurance say £4, before arriving at the net annual value, upon which the company could justly claim payment. For according to the construction placed on the word "value" by Baron Bramwell, it is clear that these are entitled to deduct "all usual tenant's rates and taxes, and the average annual cost of the repairs, insurance, and other expenses, if any, necessary to maintain them in a state to command such rent," which would of course include inhabited house duty.

Although Class A seems the simplest of all the cases, it is practically the most difficult to fight out with the companies, because, the house being occupied by the owner, the true value cannot be easily ascertained, unless there are adjacent houses of the same size and description occupied by tenants. The true value is the rent obtainable less outgoings, as above.

In all disputed cases the gross poor rate assessment will of course be some guide in ascertaining the rental value, although the companies will not admit it as the standard upon which they claim their rate.

Owners of small houses are liable under the Companies' Acts to pay the water rate, but the minimum rental varies.

In each case deductions may be claimed as in Class B. Landlords' taxes, such as property and land tax, must not be included in tenants' taxes.

Having seen the position of the owner, let us turn to that of tenants.

TENANTS.

By reversing the order of the classes above mentioned, with the exception of Class A, the position of the tenant will be easily ascertained, viz. :—

- D. Those who pay all tenants' rates, taxes, and do repairs.
- C. Those who pay rates and taxes but do not repair.
- B. Those who neither pay rates and taxes nor do repairs.

For example, what is the gross* rent of Class D ?

The rent he pays his landlord . . .	£26	0	0
„ rates and taxes, say . . .	10	0	0
„ repairs and insurance, at			
10 per cent.	4	0	0
<hr/>			
Total gross rent . . .	£40	0	0

Thus the rent he pays, £26, is the net annual value, upon which alone the Company could claim their rate. In the case of Class C, the tenant pays £10 for rates and taxes, and £30 rent, but the net annual rent is not £30, which the tenant pays, because the landlord doing the repairs, the value is reduced by £4 to £26, the real value. In the case of Class B, the owner would pay the water rate himself, and would claim to be assessed on the net rental of £26 as above. But as the real value in each case is the same—viz., £26—whether the difference between that and the gross amount is paid by tenant or owner, or partly by one and partly by the other, that is the proper amount upon which C and D would pay. This leads us to see the advantage obtained by the ratepayer, whether owner or occupier, landlord or tenant, from the decision. For example, let it be assumed that the water is supplied by the East London Company, the rate hitherto paid has been—

£5 per cent. on the gross rental of £40	£2	0	0
Bath	0	4	0
Say two w.c.'s, 4s. each	0	8	0
<hr/>			
	£2	12	0

* Not gross poor rate, which the East London Company, at least will not recognize for assessing the value.

But as the real value of the house is only £26, there would be no extra charge for w.c.'s, but merely—

5 per cent. on that sum . . .	£1	6	0
And for fixed bath . . .	0	4	0
	<hr/>		
	£1	10	0
leaving a gain to the ratepayer per annum of . . .	£1	2	0
	<hr/>		

In the above calculations it will be observed that 10 per cent. has been deducted for repairs, and one-fourth of the gross value for the rates and taxes. But a fifth for rates and taxes does not materially affect the result.

As there are so many variations in the companies' charges, it is impossible within the limits of this pamphlet to give examples of each, but as there are thousands, and perhaps tens of thousands, of houses in the metropolis and in the suburban districts which are about the £40 gross value, this will show the great saving the decision will be to one class at least of ratepayers who are now heavily burdened.

It is important to note that as most of the companies have the unjust system of a sliding scale, according to the annual value, upon which they are entitled to charge for baths and w.c.'s, any ratepayer, the net value of whose house is under one of the breaks in such scale, will be able to obtain a reduction on the rates hitherto paid by him, which will also reduce the amount paid for high service.

The annual amount saved by the ratepayers of the metropolis alone will probably be a quarter of a million. For, according to a correspondent to the *Daily News* of the 31st December last, the valuation

lists under the Metropolis Valuation Act which will come into force on the 6th of April next will show—

Total gross value of	£35,026,577
,, rateable value. . . .	28,990,269
Difference	<u>£6,036,308</u>

On which, at an average of 4 per cent., the annual saving would be £241,452

In many cases the percentage saved will be much larger, as w.c.'s will not be paid for in houses under £30 net annual value.

Besides this, the public should bear in mind the still more important question of the acquisition in the near future of the companies' business by the new Municipality of London, when, if the water rate is now placed on a just and fair basis, instead of its present unsound one, the difference in the amount of the purchase-money will be startling, and the saving to the ratepayers exceedingly great.

Having thus shown the effect of the decision on the rating powers of the Company, and the enormous saving to the ratepaying-portion of the public, the attitude of the companies must now be considered.

THE ATTITUDE OF THE COMPANIES.

As stated above, most of the companies have decided to adopt the construction placed on the words "annual value," but the public will find to their cost and annoyance that the companies do not in fact do so without giving great trouble to their customers.

For example, what has been the action of the Grand Junction Water Company? The *Law Times* of the

12th January says, referring to this matter : The defendant Company in that action have issued a form of notice claiming the old amounts, " subject to such adjustment of the amount as the recent decision of the House of Lords may render necessary," and goes on to remark that " it will not be surprising if the majority of the consumers pay anything rather than make the floor of a collector's office the arena for the discussion of a House of Lords' decision, with a collector carefully coached beforehand."

The very recent case of the Governors of the New River Company *v.* Woodman, in which the Company tried to obtain payment of £1 13s. 9d. for water rates alleged to be due, which one may reasonably presume, from their giving way without the facts being heard when it came before the judge of the Clerkenwell County Court, they knew they had no right to claim, is one of the many illustrations of the demands of the companies.

Such demands will probably be remembered by the public when it rouses itself to grapple with this gigantic monopoly.

Within the writer's knowledge a case (the question only affecting a few shillings) had to be contested shilling by shilling with the East London Company before they would agree to assess the rate on the net annual value.

From the fact that the public has for so long paid the demands of the companies, it is evident that it has in ninety-nine instances out of a hundred preferred to lose annually a few shillings rather than go to the trouble of fighting its cases out before the directors of the companies.

The fact that the public are so averse to this worry and trouble appears to be a recognized factor by the companies in fixing the amount of the rate, for they appear invariably to charge more than the value of the houses occupied.

The morality of the course adopted by the companies is certainly open to grave question when such an action as that against Mr. Woodman is brought to light, and it is suggested that public influence should be brought to bear on the directors individually in all such cases. This can be done by publishing in the newspapers, in the localities where each director lives, the report of each unjust action. This would doubtless have an important effect upon subsequent deliberations at the companies' board meetings. Cannot the moral aspect of this question be used to advantage in Parliament?

UNTRIED POINTS.

Besides the question of *annual value*, so persistently and successfully fought by Mr. Dobbs, there are several other important points which the public will doubtless consider, and which will in a short time be brought to the test of the law.

These are, the right to obtain a return from the companies of the amount which they have overcharged their customers for a long period; and here it may be suggested that the Statute of Limitations would not run, as the claims would not be for a debt but repayment of overcharge. There are, of course, doubts as to what the result would be, but the public is not likely to be

satisfied until the question has been judicially decided one way or the other. Another point is that the decision interprets the meaning of the words in the Act not as at the present time, but as the intention of the Legislature at the time the Acts were passed, and therefore, whether wittingly or unwittingly, a gigantic overcharge has been made on the water-ratepayers.

This question does not only deal with the annual value, but with the extra charges which the companies have been making in some cases for w.c.'s, &c., in houses of less than £30 annual value. Then, again, in how many instances have the companies been making in the suburbs a separate charge for "gardens," when they have been paid a rate on the annual value of the whole of the premises, and consequently have been paid twice over. It will be seen on reference to the sections of the Acts that in nearly every one the *annual value of the house* is the amount on which they are entitled to rate, and by a subsequent section they are empowered to supply water for gardens, &c., on terms to be agreed upon.

Amongst the smaller classes of property it is true that one has never heard of water used in gardens being charged for separately. Doubtless the companies have winked at this consumption, knowing that they have really been paid in the "annual value." At present it is not on a right footing, *for the consumer should pay for what he consumes and the company be paid for what it supplies.* This brings us to the consideration of the present system on which the water supply is made.

EXISTING SYSTEM OF SUPPLY.

The existing system of our water supply is one of the worst for the public generally that could have been devised. There is the absurd right to claim a rate on the value of property which has increased in value without the aid of the company—the unearned increment; the right to claim on the value without regard to the quantity of water consumed; the right to claim on the value of the City property, warehouses, &c., where the quantity consumed may be merely for washing hands or flushing the w.c.'s.; the right to claim on the full value although the only occupants of a house in Belgravia may for several months in a year be a couple of caretakers; the right to charge a varying sum, according to the value of the house, for the w.c.'s, even where large rain water cisterns flush them out; the excessive charge for high service; the right to insist on patent screw taps, on pipes and cisterns used, &c.

These are some of the rights possessed—rights conferred by Act of Parliament, and which it is hoped that the public have borne with till it cannot bear with any longer.

Why should the public submit to this state of things? Why should the companies be paid for what they have not supplied? Surely the powers conferred by Parliament can be altered by Parliament. Water by measure is the only sensible mode of supply, and a fair payment for quantity consumed is surely the right principle of payment! Let the companies be paid a proper charge for their water, but let the public

rid itself of the objectionable system now in force once and for ever.

If the public are to obtain this result it should support the Bill which the City authorities intend to bring in in the coming session of Parliament, for remedying the present state of things; and let every voter, whatever his politics, bring his influence to bear on the M.P. for his particular borough, &c., in order that, if not the Corporation measure, some measure may be passed which will remedy the evils complained of.

If the public are determined in the matter, the companies must give way, and then the annoyance respecting pipes, taps, &c., would be done away with, because the consumer in his own interest would not allow them to be out of repair, or be of insufficient strength; and if he did so it would be at his own cost. Water by meter, at a fair charge, should be insisted on.

L. WASHINGTON.

LONDON,

February, 1884.

APPENDIX.

MR. JUSTICE FIELD'S JUDGMENT.*

FIELD, J.—The question raised in this case (which was stated by Mr. Major Cook, one of the Metropolitan Police Magistrates) was as to the principle upon which the respondents are entitled to charge the appellant for two quarters' supply of water to his dwelling-house, and which charge was based by the respondents upon an annual value of £140, the appellant's contention being that he was liable to be charged on no greater annual value than £118. The £140 was the “gross estimated rental,” as the £118 was the “net annual value,” of the premises as stated in the poor-rate assessment of the appellant which was in force at the time of the supply. The respondents claimed to be entitled to the greater sum by virtue of their special Acts. By one of these, 7 Geo. IV., c. 140, s. 27, the respondents were compelled to furnish a supply of water to inhabitants of private dwelling-houses at certain “rates” per annum, graduated upward from a rent not exceeding £20 per annum to £100 per annum; “and where the rent is above £100 per annum then at a rate per cent. per annum not exceeding £5.” And s. 27 of the same Act provided that the “rate” was to be payable according to “the actual amount of the rent of the premises where the same can be ascertained; and where the same cannot be ascertained, according to the actual amount or annual value upon which the assessment to the poor-rate is computed.”

By a subsequent Act (15 and 16 Vict., c. 157), by which the respondents had further powers conferred upon them, it is enacted (s. 46) that the company shall, at the request of the owner or occupier of a house, or of any person who shall be entitled to demand a supply under that Act, or any Act incorporated therewith, furnish such supply at the “rates” following—that is to say, “where the annual value of the dwelling-house shall not exceed £200, at a rate per cent. per annum on such value not exceeding £4; and where such annual value shall exceed £200, at a rate per cent. per annum on such value not exceeding £3.”

This section does not contain the closing words of the 27th section of the previous Act, by which the mode of computing the “rate” is given, nor does this Act of 1852 repeal in express terms the prior Act or any part of it. On the contrary, the 57th section of the later Act enacts that, except as expressly provided, the Act or anything therein contained shall not repeal, alter, interpret, or

* Law Reports, 92 B. D., p. 154.

in any manner affect any of the provisions of the Acts recited, of which the 7 Geo. IV. is one. The assessment to the poor-rate must, as is well known, be made according to the provisions of the General Parochial Assessment Act (6 and 7 Wm. IV., c. 96) upon an estimate of the net annual value of the hereditaments, and such net annual value is defined as being the rent at which the same might reasonably be expected to let, "free of all usual tenant's rates and taxes and tithe rent-charge, and deducting therefrom the probable average annual cost of the repairs, insurance, and other expenses (if any) necessary to maintain them in a state to command such rent." There are, therefore, two necessary steps to be taken in making the calculation in order to arrive at the sum upon which the poor-rate is to be computed: first, gross estimated rental; and, secondly, the residue of net rateable value.

In the present instance, however, the computation for the poor-rate is not made under the provisions of the General Assessment Act, but under those of the Metropolitan Assessment Act (32 and 33 Vict., c. 67), by which the rateable hereditaments subject to it are divided into different classes, with a percentage applicable to each class, for the purpose of making a fixed deduction by which gross estimated rental is reduced to net rateable value.

On the hearing of the present case before the magistrate it was admitted that the appellant was the lessee of a term of which about seventy years were unexpired, at a ground rent of £15 a-year, of a house known as No. 34, Westbourne Park, which he occupied as his residence, and the lease of which contained covenants by him to repair and insure the premises, as well as the other usual covenants entered into by a tenant. The amount of the water-rate which the respondents sought to charge against the appellant was arrived at by a calculation of 4 per cent. upon £140, the amount of the "gross estimated rental" appearing in the valuation list, and the appellant denied his liability to be charged upon any greater sum than £118, which appeared in the list as the "net rateable value," and the dispute thus existing between the parties was referred to the magistrate under the 68th section of the Waterworks Clauses Act of 1847.

Before the magistrate the appellant's contention was founded upon what he alleged to be the true construction of the 27th section of the Act 7 Geo. IV., c. 140; but he was met *in limine* by the contention of the respondents that the whole of that section was repealed by the 46th section of the subsequent Act, and that it was by that Act alone that the water-rate was governed. This contention was supported by the magistrate, who also held—upon the authority of *Sheffield Waterworks Company v. Bennett* (1)—that the "gross estimated rental" of the valuation list, and not the "net rateable value," was the true representative of the "annual value" of the 46th section. But we are unable to agree

in this conclusion, for we do not think that the 27th section of the former Act is repealed by the 46th section of the subsequent Act.

The first Act is expressly recited in the later one, and not only is there no express repeal of it, but instead of any express repeal, there is the enactment (s. 57) which we have already adverted to. This, however, would not be enough to enable us to decide the question, for although there is no express repeal, that effect would have been produced, according to the ordinary rules of construction of statutes, if the enactments of the 46th section of the later Act cannot be construed so as to be consistent with the continuance of the earlier enactments in s. 27, for in that case the inconsistent subsequent affirmative enactment would import a negative fatal to the earlier one.

Now, it is clear beyond doubt (as was admitted by Mr. Webster, who argued the case for the appellant) that so much of the 27th section as graduates the amount of the percentage according to the rent of the dwelling-house in stages or leaps from £20 up to £100, and puts it at £5 per cent. upon all above, is inconsistent with the subsequent enactment, which gives a uniform charge of not exceeding £4 per cent. up to £200, and of not exceeding £3 per cent. on all rent above, and that so much, therefore, of the 27th section is by implication repealed. But he said that this inconsistency between the enactments goes no further, and that there is no inconsistency in adopting the latter percentages and applying to them the mode of computation provided by s. 27 of the sum upon which the rate of £4 or £3 per cent., as the case may be, is payable, and in this contention we agree with him.

It seems to us that if from s. 27 the graduated scale of rates jumping by successive steps is eliminated, and the more simple and general one of starting with £200 a-year and diminishing the rate for all above is substituted, the whole of the rest of the 27th section may well stand together with the 46th.

Repeal by implication is never to be favoured; it is, no doubt, the necessary consequence of inconsistent legislation whenever it occurs, but which must not be imputed to the Legislature unless absolutely necessary. We think, therefore, that the enactment of the 27th section defining the mode by which to arrive at the sum upon which the percentage is to be calculated is in force, and therefore the next question is, whether, in the case now before us, the "actual amount of the rent can be ascertained." What, then, is the meaning of the "actual" amount of rent? It must, we think, mean some actual amount which has been *bonâ fide* arrived at by contract between the landlord and tenant (where such a contract exists) as the sum payable to the landlord by way of rent for the hereditament which is the subject of the letting. But in the case now before us no such contract exists, nor has any such actual amount been in any way arrived at, for the hereditament is in the occupation of its owner.

It is true that he pays a rental to his landlord of a small sum, but that is, as it is called, a "ground," not a rack or other rent, for the demised hereditament; and Mr. Webster could not and did not contend that the tenant was entitled to have his water supplied upon the footing of that rent. But Mr. Russell said that "the actual amount of rent" could nevertheless be ascertained in the present case, for he said it is to be found in the amount of the "gross estimated rental" of the valuation list, which, applying to this case the principle which he said was at the base of *Sheffield Waterworks Company v. Bennett* (1), was the equivalent of "rent" or its equivalent "annual value." In that case, "rent" and "annual" were the only words to be construed. There was neither "actual amount of rent" nor reference to poor law; and the Court (not, however, without considerable doubt and hesitation) held that where a landlord takes upon himself voluntarily to pay, or is under a statutory obligation to pay, charges not in themselves in the nature of rent, in consideration of a larger sum than rent strictly speaking, the owning consumer is entitled to discard every part of the sum so paid which is not rent, and to have his supply based upon that which is actually rent.

No doubt, also, if the principle is applied to a converse case, in which a tenant pays a less sum by way of what is called rent, on account of his undertaking to bear part of the landlord's necessary expenses in keeping the rateable hereditaments in a state to command the rent, it might be urged that the amount paid in money as for rent should be increased by the annual amount of the obligation so incurred, so as to bring the water charge to the "gross estimated rental," and that as we understand it was the contention of Mr. Russell, who was able to point out some apparently startling inconsistencies which occur upon any other view. But however that might be in any case where the question shall arise, it is not necessary for us to decide that question in the present, for we think that the Legislature, in using the words it has in the 27th section, intended to free the question from all these difficulties, and that it intentionally created as the standard of charge, either the actual rent where ascertained, or, in the alternative, the poor-rate assessment; and if the first words are to be read as compelling the persons supplying and supplied to go to the poor-law assessment to find out the basis of computation, the latter words have no meaning, and so no alternative is given.

This being so, the question in the present case is reduced (allowing for a very slight variation in words) to the question which we have just had to consider in the Warrington case (1), and we give it the same answer, and for the same reasons. In arriving at this conclusion we do not shut our eyes to the possibility that the application to the sale of water of a standard adopted for, and adapted to, a totally different purpose may, in some instances, produce results not altogether consistent with

that uniformity or equality of price which in ordinary commercial transactions would be found, but we think that the Legislature intended to apply to the charge for the supply of so universally necessary an article as water by a privileged body an already ascertained standard easily to be referred to, and upon which the company and consumer could alike act, and that that standard is to be found either in a *bona fide* contract for rent reduced to its true elements where that exists, or in "net rateable value," which is the actual basis of chargeability, rather than in gross estimated rental, which is only a step in the calculation.

For these reasons we have come to the conclusion that the magistrate's order cannot be supported, and the order we make is that the annual value of the appellant's dwelling-house is to be taken at £118, the sum upon which the assessment to the poor-rate is computed, and we allow the appeal with costs.

Sections of Private Acts, and of the Waterworks Clauses Act, affecting the Supply of Water, and Rates payable by Consumers.

CHELSEA WATERWORKS COMPANY,

15 & 16 Vict., cap. 156.

(Section 60.)—That the company shall, at the request of the owner or occupier of any house in any street within the limits of this Act in which any pipe of the company shall be laid, or of any person who, under the provisions of this Act or any Act incorporated therewith, shall be entitled to demand a supply of water for domestic purposes, furnish to such owner or occupier or other person a sufficient supply of water for their domestic purposes, at the rates hereinafter specified (that is to say)—Where the annual value of the dwelling-house or other place supplied shall not exceed £200, at a rate per centum per annum on such value not exceeding £4: And where such annual value shall exceed £200, at a rate per centum per annum on such value not exceeding £3. If there be a watercloset or waterclosets, or fixed bath or baths, or any high service, in such dwelling-house or place, then, in addition to the rates above specified the following rates shall be payable (that is to say)—Where the annual value of such house shall exceed £90 but shall not exceed £50, a rate not exceeding 4s. per annum for each single watercloset, fixed bath, or high service, and a further sum of 2s. for each additional watercloset, fixed bath, or high service: Where such annual value shall exceed £50 but shall not exceed

£100, a rate not exceeding 6s. per annum for each single watercloset, fixed bath, or high service, and a further sum of 8s. for each additional watercloset, fixed bath, or high service: Where such annual value shall exceed £100 but shall not exceed £200, a rate not exceeding 8s. for each single watercloset, fixed bath, or high service, and a further sum of 4s. for each additional watercloset, fixed bath, or high service: Where such annual value shall exceed £200 but shall not exceed £300, a rate not exceeding 10s. for each single watercloset, fixed bath, or high service, and a further sum of 5s. for each additional watercloset, fixed bath, or high service: And where such annual value shall exceed £300, a rate not exceeding 12s. for each single watercloset, fixed bath, or high service, and a further sum of 6s. for each additional watercloset, fixed bath, or high service.

(Section 61.)—That the expression "high service" in this Act shall mean and be considered as being a delivery of water at an elevation more than ten feet above the pavement in front of the dwelling-house or other place supplied.

(Section 62.)—That with respect to the several rates above specified, a supply of water for domestic purposes shall not include a supply of water for steam engines or railway purposes, or for warming or ventilating purposes, or for working any machine or apparatus, or for public baths, horses, cattle, or for washing carriages, or for gardens, fountains, or ornamental purposes, or for flushing sewers or drains, or for any trade or manufacture or business requiring an extra supply of water.

Section 63 provides that water for other than domestic purposes is to be supplied by agreement.

EAST LONDON WATERWORKS COMPANY,

16 & 17 Vict., cap. 166.

(Section 72.)—That a supply of water for domestic purposes shall not include a supply of water for steam engines or railway purposes, or for warming or ventilating purposes, or for working any machine or apparatus, or for horses or cattle, or for washing carriages, or for gardens, fountains, or ornamental purposes, or for flushing sewers or drains, or for any trade or manufacture or business requiring an extra supply of water, or, as regards any house of which the annual value does not exceed £30, a supply of water for baths.

(Section 73.)—That the expression "ordinary service" in this Act means water delivered at an elevation not higher than twenty feet above the level of the pavement adjoining or nearest to the dwelling or other place supplied: and the expression "high service"

in this Act means water delivered at an elevation exceeding twenty feet above the level of the pavement adjoining or nearest to the dwelling house or other place supplied.

(Section 74.)—That the company shall, at the request of the owner or occupier of any house or of any part of a house occupied as a separate tenement in any street within their limits in which any main or service pipe of the company is or shall be laid, or of any person who under this Act shall be entitled to demand a supply of water for domestic purposes, furnish to such person, by means of communication pipes and other necessary and proper apparatus to be provided, laid down, and maintained at the cost of such person, a sufficient supply of water for his domestic purposes at a rate per centum per annum on the annual value of the house not exceeding £5.

(Section 75.)—Where the annual value exceeds £30, an additional rate not exceeding 4s. per annum for every single watercloset and for every single fixed bath: Where the annual value exceeds £50 but does not exceed £100, an additional rate not exceeding 6s. per annum for every single watercloset and for every single fixed bath: And where the annual value exceeds £100, an additional rate not exceeding 8s. for every single watercloset and for every single fixed bath.

(Section 76.)—And with respect to high service the company may charge, in addition to the foregoing rates respectively, such further rates as they from time to time fix, not respectively exceeding 25 per centum per annum upon the foregoing several rates respectively.

(Section 77.)—That the company shall not be bound to supply more than one dwelling house or other building by means of any one communication pipe.

(Section 78.)—That the company may supply any person or body within their limits with water to be used within such limits for other than domestic purposes, at the rate and upon the terms and conditions agreed upon between the company and the person or body requiring such supply.

(Section 79.)—That the company may, at their own instance, and shall at the request of any owner or occupier of any premises situate in or adjoining any street in which any main or service pipe of the company is or shall be laid, and who requires a supply of water by measure for purposes other than the purposes in respect of which rates are by this Act provided or limited, and by means of communication pipes and other necessary and proper apparatus, to be provided, laid, and maintained at the cost of the person requiring such supply, afford a supply of water by meter or other fit and sufficient instrument or mode for measuring and ascertaining the quantity of water so supplied, and may charge for such supply not exceeding the following rates for every 1,000 gallons; to wit: In respect of ordinary service: When the quarterly

consumption of water does not exceed 50,000 gallons, 9d. : When exceeding 50,000 gallons and not exceeding 100,000 gallons, 8d. : When exceeding 100,000 gallons and not exceeding 200,000 gallons, 7d. : When exceeding 200,000 gallons, 6d. : And in respect of high service: An additional rate not exceeding 25 per centum upon those several rates for ordinary service: Provided always, that the company shall not be required so to supply water in any less quantity than 25,000 gallons in any quarter of a year.

Section 80 provides that other rates may be taken by agreement in special cases.

Section 81 provides that owners of houses not exceeding £20 annual value shall be liable to water rates.

GRAND JUNCTION WATERWORKS COMPANY,

15 & 16 Vict., cap. 157.

In addition to the special sections of 7 George IV. set out in Mr. Justice Field's Judgment.

(Section 46.)—That the company shall, at the request of the owner or occupier of any house in any street within the limits of this Act in which any pipe of the company shall be laid, or of any person who under the provisions of this Act, or any Act incorporated therewith, shall be entitled to demand a supply of water for domestic purposes, furnish to such owner or occupier or other person a sufficient supply of water for their domestic purposes at the rates hereinafter specified (that is to say)—Where the annual value of the dwelling-house or other place supplied shall not exceed £200, at a rate per centum per annum on such value not exceeding £4; and where such annual value shall exceed £200, at a rate per centum per annum on such value not exceeding £3: If there be a watercloset or waterclosets, or fixed bath or baths, or any high service in such dwelling-house or place, then, in addition to the rates above specified, the following rates shall be payable (that is to say)—Where the annual value of such house shall exceed £30 but shall not exceed £50, a rate not exceeding 4s. per annum for each single watercloset, fixed bath, or high service; and a further sum of 2s. for each additional watercloset, fixed bath, or high service: Where such annual value shall exceed £50 but shall not exceed £100, a rate not exceeding 6s. per annum for each single watercloset, fixed bath, or high service; and a further sum of 3s. for each additional watercloset, fixed bath, or high service: Where such annual value shall exceed £100 but shall not exceed £200, a rate not exceeding 8s. for each single watercloset, fixed bath, or high service; and a further sum of 4s. for each additional watercloset, fixed bath, or high service: Where

such annual value shall exceed £200 but shall not exceed £300, a rate not exceeding 10s. for each single watercloset, fixed bath, or high service; and a further sum of 5s. for each additional watercloset, fixed bath, or high service: And where such annual value shall exceed £300, a rate not exceeding 12s. for each single watercloset, fixed bath, or high service; and a further sum of 6s. for each additional watercloset, fixed bath, or high service.

(Section 47.)—That the expression "high service" in this Act shall mean and be considered as being a delivery of water at an elevation more than 10 feet above the footway or pavement in front of the dwelling-house or other place supplied.

(Section 48.)—That a supply of water for domestic purposes shall not include a supply of water for steam engines or railway purposes, or for warming or ventilating purposes, or for working any machine or apparatus, or for baths, horses, cattle, or for washing carriages, or for gardens, fountains, or ornamental purposes, or for flushing sewers or drains, or for any trade or manufacture or business requiring an extra supply of water.

(Section 49.)—That the company may supply any person or body within their limits with water to be used within such limits for other than domestic purposes, at such rate and upon such terms and conditions as shall be agreed upon between the company and the person, or body requiring such supply.

(Section 50.)—That the company may, at their own instance, and shall, at the request of any owner or occupier of any premises situate in or adjoining any street in which any main or service pipe of the company shall be laid, and who requires a supply of water by measure, for purposes other than the purposes in respect of which rates are by this Act provided or limited, and by means of communication pipes and other necessary and proper apparatus to be provided, laid, and maintained at the cost of the person requiring such supply, afford a supply of water by meter or other fit and sufficient instrument or mode for measuring and ascertaining the quantity of water so supplied, and may charge for such supply not exceeding the following rates for each 1,000 gallons (that is to say)—In respect of ordinary service: When the quarterly consumption of water does not exceed 50,000 gallons, 9d.: When exceeding 50,000 gallons, and not exceeding 100,000 gallons, 8d.: When exceeding 100,000 gallons, and not exceeding 200,000 gallons, 7d.: When exceeding 200,000 gallons, 6d.: And in respect of high service: An additional rate not exceeding 25 per centum upon the several rates last hereinbefore specified and authorised for ordinary service: Provided that the company shall not be required so to supply water in any less quantity than 25,000 gallons in any quarter of a year.

Section 51 provides that owners of houses not exceeding £20 annual value are to be liable to water rates.

KENT WATERWORKS COMPANY,

27 & 28 Vict., cap. 146.

(Section 28.)—The company shall, at the request of the owner or occupier of any house or part of a house in any street in which from time to time any pipe of the company is laid, or of any person who, under the provisions of this Act, is entitled to demand a supply of water for domestic purposes, furnish to him a sufficient supply of water for domestic purposes, at rates not exceeding the following (that is to say)—Where the yearly value of the house supplied does not exceed £7—8s.; Where it exceeds £7 and does not exceed £8—9s. 6d.: Where it exceeds £8 and does not exceed £9—10s. 6d.: Where it exceeds £9 and does not exceed £10—12s.: Where it exceeds £10 and does not exceed £11—13s.: Where it exceeds £11 and does not exceed £12—14s.: Where it exceeds £12 and does not exceed £13—15s. 6d.: Where it exceeds £13 and does not exceed £14—16s. 6d.: Where it exceeds £14 and does not exceed £15—18s.: Where it exceeds £15 and does not exceed £16—19s.: Where it exceeds £16 and does not exceed £17—£1: Where it exceeds £17 and does not exceed £18—£1 1s. 6d.: Where it exceeds £18 and does not exceed £19—£1 2s. 6d.: Where it exceeds £19 and does not exceed £20—£1 4s.: Where it exceeds £20 and does not exceed £25—£1 8s.: Where it exceeds £25 and does not exceed £30—£1 11s.: Where it exceeds £30 and does not exceed £35—£1 15s.: Where it exceeds £35 and does not exceed £40—£2: Where it exceeds £40 and does not exceed £45—£2 5s.: Where it exceeds £45 and does not exceed £50—£2 10s.: Where it exceeds £50 and does not exceed £60—£2 15s.: Where it exceeds £60 and does not exceed £70—£3 3s.: Where it exceeds £70 and does not exceed £80—£3 10s.: Where it exceeds £80 and does not exceed £95—£3 16s.: Where it exceeds £95, at a rate not exceeding £4 per centum per annum on the yearly value.

(Section 29.)—A supply of water for domestic purposes includes a supply of water for one watercloset, but not a supply of water for more than one watercloset, or for any bath, and does not include a supply of water for cattle or for horses, or for washing carriages, if the horses or carriages are kept for hire or by common carriers, or are the property of a dealer, or for steam engines, or for railway purposes, or for warming or ventilating purposes, or for working any machine or apparatus, or for any trade, manufacture, or business whatsoever, or for watering gardens by means of any tap, tube, pipe, or any other like apparatus, or for fountains, or for flushing sewers or drains, or for public baths, or for any ornamental purpose whatever.

(Section 30.)—The company may charge for every year, in respect of every watercloset more than one, and every bath, in any

dwelling-house, in addition to the ordinary yearly rates, any rates not exceeding the following yearly rates (that is to say)—Where the yearly value of the dwelling-house does not exceed £9—5s. for every watercloset more than one, and 6s. for every bath: Where the yearly value of the dwelling-house exceeds £9 and does not exceed £20—6s. for one watercloset beyond the first, and 8s. for one bath, and 5s. for every additional watercloset, and 6s. for every additional bath: Where the yearly value of the dwelling-house exceeds £20 and does not exceed £40—7s. for one watercloset beyond the first, and 10s. for one bath, and 5s. for every additional watercloset, and 6s. for every additional bath: Where the yearly value of the dwelling-house exceeds £40 and does not exceed £60—8s. for one watercloset beyond the first, and 10s. for one bath, and 6s. for every additional watercloset, and 6s. for every additional bath: Where the yearly value of the dwelling-house exceeds £60 and does not exceed £80—8s. for one watercloset beyond the first, and 12s. for one bath, and 5s. for every additional watercloset, and 6s. for every additional bath: Where the yearly value of the dwelling-house exceeds £80—10s. for one watercloset beyond the first, and 12s. for one bath, and 5s. for every additional watercloset, and 6s. for every additional bath.

Section 31 provides that the owners of all houses, or parts of houses occupied as separate tenements, and respectively not exceeding the yearly value of £20, shall be liable to the payment of the rates.

LAMBETH WATERWORKS COMPANY,
11 Viet., cap. 7.

(Section 37.)—And be it enacted, that the company shall, at the request of the owner or occupier of any house or part of a house in any street within the limits of this Act in which any pipe of the company shall be laid, or of any person who under the provisions of this Act, or any Act incorporated therewith, shall be entitled to demand a supply of water for domestic purposes, furnish to such owner or occupier or other person a sufficient supply of water for their domestic uses at the rates hereinafter specified (that is to say)—If there be no watercloset in the dwelling-house or part of the dwelling-house to be supplied with water, at the following rates: Where the annual value of such house shall not exceed £20, at a rate per centum per annum not exceeding £7 10s.: Where the annual value of such house shall exceed £20 but shall not exceed £40, at a rate per centum per annum not exceeding £7: Where such annual value shall exceed £40 but shall not exceed £60, at a rate per centum per annum not exceeding £6 10s.: Where such annual value shall exceed £60 but shall not exceed £80, at a rate per centum per annum not exceeding

£6: Where such annual value shall exceed £80 but shall not exceed £100, at a rate per centum per annum not exceeding £5 10s.: And where such annual value shall exceed £100, at a rate per centum per annum not exceeding £5. If there be a water-closet or waterclosets in such dwelling-house, then, in addition to the rates above specified, the following rates shall be payable (that is to say—Where the annual value of such dwelling-house shall exceed £20 but shall not exceed £40, a rate not exceeding 10s. per annum for one watercloset, and a further sum of 5s. for each additional watercloset: Where the annual value of such dwelling-house shall exceed £40 but shall not exceed £60, a rate not exceeding 12s. per annum for one watercloset, and a further sum of 6s. for each additional watercloset: Where the annual value of such dwelling-house shall exceed £60 but shall not exceed £100, a rate not exceeding 15s. for one watercloset and a further sum of 7s. 6d. for each additional watercloset: And where such annual value shall exceed £100, a rate not exceeding 20s. for one watercloset, and a further sum of 10s. for each additional watercloset.

(Section 38.)—And be it enacted, that it shall be lawful for the company to supply any person or body within the limits of this Act with water to be used within the limits aforesaid for other than domestic purposes at such rent and upon such terms and conditions as shall be agreed upon between the company and the person or body desirous of having such supply of water.

(Section 39.)—And be it enacted, that a supply of water for domestic purposes shall not include a supply of water for baths, horses, cattle, or for washing carriages, or for any trade or business whatsoever.

NEW RIVER WATERWORKS COMPANY,
15 & 16 Vict., cap. 160.

(Section 35.)—That the company shall, at the request of the owner or occupier of any house or part of a house in any street within their limits in which any pipe of the company shall be laid, or of any person who, under the provisions of this Act or any Act incorporated therewith, shall be entitled to demand a supply of water for domestic purposes, furnish to such owner or occupier or other person a sufficient supply of water for domestic purposes at the rates hereinafter specified (that is to say)—For water supplied to any dwelling house: Where the annual value of the dwelling house shall not exceed £200, at a rate per centum per annum on such value not exceeding £4: Where such annual value shall exceed £200, at a rate per centum per annum on such value not exceeding £3: If there be a watercloset or waterclosets, or fixed bath or baths, or any high service in such dwelling house or place, then, in addition to the rates above specified, the following rates shall be

payable (that is to say)—Where the annual value of such house shall exceed £30 but shall not exceed £50, a rate not exceeding 4s. per annum for each single watercloset, fixed bath, or high service, and a further sum of 2s. for each additional watercloset, fixed bath, or high service: Where such annual value shall exceed £50 but shall not exceed £100, a rate not exceeding 6s. per annum for each single watercloset, fixed bath, or high service, and a further sum of 8s. for each additional watercloset, fixed bath, or high service: Where such annual value shall exceed £100 but shall not exceed £200, a rate not exceeding 8s. for each single watercloset, fixed bath, or high service, and a further sum of 4s. for each additional watercloset, fixed bath, or high service: Where such annual value shall exceed £200 but shall not exceed £300, a rate not exceeding 10s. for each single watercloset, fixed bath, or high service, and a further sum of 5s. for each additional watercloset, fixed bath, or high service: And where such annual value shall exceed £300, a rate not exceeding 12s. for each single watercloset, fixed bath, or high service, and a further sum of 6s. for each additional watercloset, fixed bath, or high service.

(Section 36.)—That the expression "high service" in this Act shall mean and be considered as being a delivery of water at an elevation more than 10 feet above the ground floor of such dwelling house or other place supplied.

(Section 37.)—Provided, that with respect to all service which shall be given at an elevation of more than 160 feet above Trinity high-water mark it shall be lawful for the company to charge, in addition to the rates hereinbefore authorized, a further sum not exceeding £1 per centum per annum on the annual value of such dwelling-houses respectively.

(Section 38.)—That a supply of water for domestic purposes shall not include a supply of water for steam engines or railway purposes, or for warming or ventilating purposes, or for working any machine or apparatus, or for baths, horses, cattle, or for washing carriages, or for gardens, fountains, or ornamental purposes, or for flushing sewers or drains, or for any trade or manufacture or business requiring an extra supply of water.

Section 39 provides that the company may take increased rates by agreement in special cases.

(Section 40.)—That the company may supply any person or body within their limits with water, to be used within such limits for other than domestic purposes, at such rate and upon such terms and conditions as shall be agreed upon between the company and the person or body requiring such supply.

(Section 41.)—That the company shall, at the request of any consumer of water, for purposes other than the purposes for or in respect of which the rates or charges are hereinbefore provided or limited, or at their own instance, afford a supply of water by means of a meter or other instrument or mode for measuring and ascer-

taining the quantity of water so supplied, and may charge for such supply not exceeding the following rates per 1,000 gallons (that is to say)—When the quarterly consumption of water shall not exceed 50,000 gallons, 7½d.: When exceeding 50,000 gallons and not exceeding 100,000 gallons, 7d.: When exceeding 100,000 gallons and not exceeding 200,000 gallons, 6½d.: When exceeding 200,000 gallons, 6d.: And a further rate, not exceeding £25 per centum, in respect of water so supplied at an elevation of more than 60 feet above Trinity high-water mark.

SOUTHWARK AND VAUXHALL WATER COMPANY,

15 and 16 Vict., cap. 158.

Section 58.—That the company shall, at the request of the owner or occupier of any house or part of a house occupied as a separate tenement in any street within their limits in which any main or service pipe of the company shall be laid, or of any other person who under this Act shall be entitled to demand a supply of water for domestic purposes, furnish to such person, by means of communication pipes and other necessary and proper apparatus, to be provided, laid down, and maintained at the cost of such person, a sufficient supply of water for his domestic purposes at a rate per centum per annum on the annual value of the house not exceeding £5: If there be a watercloset or waterclosets, or fixed bath or baths, or any high service in such dwelling house or place, then, in addition to the rates above specified, the following rate shall be payable (that is to say)—Where the annual value of such house shall exceed £80 but shall not exceed £50, a rate not exceeding 4s. per annum for each single watercloset, fixed bath, or high service, and a further sum of 2s. for each additional watercloset, fixed bath, or high service: Where such annual value shall exceed £50, but shall not exceed £100, a rate not exceeding 6s. per annum for each single watercloset, fixed bath, or high service, and a further sum of 3s. for each additional watercloset, fixed bath, or high service: Where such annual value shall exceed £100 but shall not exceed £200, a rate not exceeding 8s. for each single watercloset, fixed bath, or high service, and a further sum of 4s. for each additional watercloset, fixed bath, or high service: Where such annual value shall exceed £200 but shall not exceed £300, a rate not exceeding 10s. for each single watercloset, fixed bath, or high service, and a further sum of 5s. for each additional watercloset, fixed bath, or high service: And where such annual value shall exceed £300 a rate not exceeding 12s. for each single watercloset, fixed bath, or high service, and a further sum of 6s. for each additional watercloset, fixed bath, or high service.

(Section 54.)—That the expression "high service" in this Act shall mean and be considered as being a delivery of water at an elevation more than 10 feet above the footway or pavement in front of the dwelling-house or other place supplied.

(Section 55.)—That a supply of water for domestic purposes shall not include a supply of water for steam engines or railway purposes, or for warming or ventilating purposes, or for working any machine or apparatus, or for baths, horses, cattle; or for washing carriages, or for gardens, fountains, or ornamental purposes, or for flushing sewers or drains, or for any trade or manufacture or business requiring an extra supply of water.

(Section 56.)—That the company may supply any person or body within their limits with water to be used within such limits for other than domestic purposes, at such rate and upon such terms and conditions as shall be agreed upon between the company and the person or body requiring such supply.

(Section 57.)—That the company may at their own instance, and shall at the request of any owner or occupier of any premises situate in or adjoining any street in which any main or service pipe of the company shall be laid, and who requires a supply of water by measure for purposes other than the purposes in respect of which rates are by this Act provided or limited, and by means of communication pipes and other necessary and proper apparatus to be provided, laid, and maintained at the cost of the person requiring such supply, afford a supply of water by meter, or other fit and sufficient instrument or mode for measuring and ascertaining the quantity of water so supplied, and may charge for such supply not exceeding the following rates for each 1,000 gallons (that is to say)—In respect of ordinary service: When the quarterly consumption of water does not exceed 50,000 gallons, 9d.: When exceeding 50,000 gallons and not exceeding 100,000 gallons, 8d.: When exceeding 100,000 gallons and not exceeding 200,000 gallons, 7d.: When exceeding 200,000 gallons, 6d.: And in respect of high service: An additional rate not exceeding 25 per centum upon the several rates last hereinbefore specified and authorized for ordinary service: Provided that the company shall not be required so to supply water in any less quantity than 25,000 gallons in any quarter of a year.

Section 58 provides that owners of houses not exceeding £20 annual value are to be liable to water rates.

WEST MIDDLESEX WATERWORKS COMPANY,
15 and 16 Vict., cap. 159.

(Section 39.)—That the company shall, at the request of the owner or occupier of any house in any street within the limits of this Act in which any pipe of the company shall be laid, or of any

person who, under the provisions of this Act or any Act incorporated therewith, shall be entitled to demand a supply of water for domestic purposes, furnish to such owner or occupier or other person a sufficient supply of water for their domestic purposes at the rates hereinafter specified (that is to say)—Where the annual value of the dwelling-house or other place supplied shall not exceed £200, at a rate per centum per annum on such value not exceeding £4; and where such annual value shall exceed £200, at a rate per centum per annum on such value not exceeding £3. If there be a watercloset or waterclosets, or fixed bath or baths, or any high service in such dwelling-house or place, then, in addition to the rates above specified, the following rates shall be payable (that is to say)—Where the annual value of such house shall exceed £30 but shall not exceed £50, a rate not exceeding 4s. per annum for each single watercloset, fixed bath, or high service, and a further sum of 2s. for each additional watercloset, fixed bath, or high service: Where such annual value shall exceed £50 but shall not exceed £100, a rate not exceeding 6s. per annum for each single watercloset, fixed bath, or high service, and a further sum of 3s. for each additional watercloset, fixed bath, or high service: Where such annual value shall exceed £100 but shall not exceed £200, a rate not exceeding 8s. for each single watercloset, fixed bath, or high service, and a further sum of 4s. for each additional watercloset, fixed bath, or high service: Where such annual value shall exceed £200 but shall not exceed £300, a rate not exceeding 10s. for each single watercloset, fixed bath, or high service, and a further sum of 5s. for each additional watercloset, fixed bath, or high service: And where such annual value shall exceed £300, a rate not exceeding 12s. for each single watercloset, fixed bath, or high service, and a further sum of 6s. for each additional watercloset, fixed bath, or high service.

(Section 40.)—That the expression “high service” in this Act shall mean and be considered as being a delivery of water at an elevation more than 10 feet above the footway or pavement in front of the dwelling-house or other place so supplied.

(Section 41.)—Provided, that with respect to all service which shall be given to any dwelling-house at an elevation of more than 200 feet above Trinity high-water mark, it shall be lawful for the company to charge, in addition to the rates hereinbefore authorized, a further sum not exceeding £1 per centum per annum on the annual value of such dwelling-house.

(Section 42.)—That a supply of water for domestic purposes shall not include a supply of water for steam engines or railway purposes, or for warming or ventilating purposes, or for working any machine or apparatus, or for baths, horses, cattle, or for washing carriages, or for gardens, fountains, or ornamental purposes, or for flushing sewers or drains, or for any trade or manufacture or business requiring an extra supply of water.

(Section 43.)—That the company may, at their own instance, and shall at the request of any owner or occupier of any premises situate in or adjoining any street in which any main or service pipe of the company shall be laid, and who requires a supply of water by measure for purposes other than the purposes in respect of which rates are by this Act provided or limited, and by means of communication pipes and other necessary and proper apparatus to be provided, laid, and maintained at the cost of the person requiring such supply, afford a supply of water by meter, or other fit and sufficient instrument or mode for measuring and ascertaining the quantity of water so supplied, and may charge for such supply not exceeding the following rates for each 1,000 gallons (that is to say)—In respect of ordinary service: When the quarterly consumption of water does not exceed 50,000 gallons, 9d.: When exceeding 50,000 gallons and not exceeding 100,000 gallons, 8d.: When exceeding 100,000 gallons and not exceeding 200,000 gallons, 7d.: When exceeding 200,000 gallons, 6d. And in respect of high service, an additional rate not exceeding 25 per centum upon the several rates last hereinbefore specified and authorised for ordinary service. Provided that the company shall not be required so to supply water in any less quantity than 25,000 gallons in any quarter of a year.

Section 44 provides that water for other than domestic purposes is to be supplied by agreement.

Section 45 provides that owners of houses not exceeding £20 annual value are to be liable to water rates.

THE WATERWORKS' CLAUSES ACT, 1847,
10 Vict., cap. 17.

This Act is incorporated by reference in the Acts of all the Eight London Companies.

The Sections which refer to the payment and recovery of the water rate are as follows:—

(Section 68.)—The water rates, except as hereinafter and in the special Act mentioned, shall be paid by and be recoverable from the person requiring, receiving, or using the supply of water, and shall be payable according to the *annual* value of the tenement supplied with water, and if any dispute arise as to such value, the same shall be determined by two justices.

(Section 69.)—When several houses or parts of houses in the separate occupation of several persons are supplied by one common pipe, the several owners or occupiers of such houses or parts of houses shall be liable to the payment of the same rates for the supply of water as they would have been liable to if each of such several houses or parts of houses had been supplied with water from the works of the undertakers by a separate pipe.

(Section 70.)—The rates shall be paid in advance by equal quarterly payments in England, at Christmas Day, Lady Day, Midsummer Day and Michaelmas Day, and the first payment shall be made at the time when the pipe by which the water is supplied is made to communicate with the pipes of the undertakers, or at the time of the agreement to take water from the undertakers is made.

(Section 71.)—The occupier of any dwelling-house or part of a dwelling-house liable to the payment of any water rate who shall give notice of his intention to discontinue the use of the water supplied by the undertakers, or who shall remove from his dwelling between any two quarterly days of payment, shall pay the water rate in respect of such dwelling-house or part of a dwelling-house for the quarter ending on the quarterly day of payment next after his quitting the same, or giving such notice.

(Section 72.)—This section provides that owners of houses not exceeding £10 rent are to be liable to pay the water rates to the company.

(Section 74.)—If any person supplied with water by the undertakers or liable as herein, or in the special Act provided to pay the water rate neglect to pay such water rate at any of the said times of payment thereof, the undertakers may stop the water from flowing into the premises in respect of which such rate is payable, by cutting off the pipe to such premises, or by such means as the undertakers shall think fit, and may recover the rate due from such person, if less than £20, with the expense of cutting off the water, and costs of recovering the rate in the same manner, as any damages for the recovery of which no special provision is made are recoverable by this or the special Act; or if the rate so due amount to £20 or upwards, the undertakers may recover the same, with the expense of cutting off the water, by action in any court of competent jurisdiction.

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